

Sub
CB
contd

20. (Amended) A soft capsule encapsulating a medicinal liquid consisting essentially of:
a dietary fiber in an amount of 5 to 60% by weight based on a whole composition of the medicinal liquid;
a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 70% by weight based on the whole composition of said medicinal liquid; and
either a fat and oil material or an oil-soluble material in an amount of 1 to 50% by weight based on the whole composition of said medicinal liquid;
wherein said medicinal liquid is in the form of a suspended stock solution which is homogenized.

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

OK
moot ✓

In view of the objection to the disclosure, Table 2 on page 12 of the specification has been amended to correct the typographical error noted by the Examiner.

Ed,
not sure
if contradicting
is clear
of 112??

In view of the rejection of claims 17-20 under the second paragraph of 35 U.S.C. § 112, each of these claims has been amended to indicate that the material of limited oil-solubility is a material "other than the dietary fiber", thus rendering this rejection moot.

OK -
no new
matter
put in the
cls limitation
homogenized
considered

Claims 1, 19 and 20, which are the only independent claims in the application, have been amended to recite that the medicinal liquid is in the form of a suspended stock solution which is homogenized, based on the disclosure, for example, in the third paragraph on page 6 of the specification, which refers to the "suspended stock solution" (page 6, line 16) and indicates that a mixture of the components of the stock solution is "homogenized" (page 6, line 24).

For purposes of clarification, each of claims 1, 19 and 20 has also been amended to indicate that the soft capsule encapsulates the medicinal liquid, attention again being directed to, for example, page 6, line 16.

Attached hereto is a marked-up version of the changes made to the Specification and claims by the current amendment. The attached pages are captioned "Version with markings to show changes made."

The rejection of claims 1-4, 19 and 20 under the first paragraph of 35 U.S.C. § 112 is respectfully traversed.

The Examiner takes the position that one skilled in the art would not be able to practice the invention because the specification fails to disclose any example of a specific dietary fiber.

Ed, do you think that the apples enable the disclosure, although the disclosure does not specifically state a dietary fiber.
However, dietary fibers are well known in the art as a health food, health supplement or the like. As described in the last paragraph on page 3 of the specification, such fibers are commercially available. Applicants respectfully submit that one of ordinary skill in the art would have no difficulty in obtaining a dietary fiber suitable for use in the present invention.

Applicants also note that the first paragraph of 35 U.S.C. § 112 does not require setting forth illustrative examples of the dietary fibers. See In re Marzocchi, 169 USPQ 367.

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Miskel et al. is respectfully traversed.

This reference discloses a soft gelatin capsule containing a fluid or semi-fluid fill composed of a macro-molecular gel-lattice matrix as a carrier for an aqueous solution or suspension of a chemical compound or medicament. This gel-lattice matrix is prepared by adding a macro-molecular polymer to water, and agitating the mixture with low shear agitation.

new limitation to overcome the prior art rejection
(In contrast to this) the soft capsule of the present invention encapsulates a medicinal liquid in the form of a suspended stock solution which is homogenized, which is completely different from the macro-molecular gel-lattice matrix contained in the soft capsule of Miskel et al.

For these reasons, Applicants take the position that the present invention is clearly patentable over this reference.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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Table 2

Example 2

Composition

Fat and oil material:

Vegetable oil 15 mg

Material of limited oil-solubility:

~~G~~^ymnema sylvesta powder 210 mg

Dietary fiber 30 mg

Water 45 mg

Total 300 mg

Fat and oil material 5 %

Material of limited oil-solubility 70 %

Dietary fiber 10 %

Water 15 %

Total 100 %

Suspension stability

Temperature of 50°C No separation

Centrifuging No separation

Workability Good

Liquid leakage No

Stability with time Good

(Appearance, smell, tone)

Suspension No separation

While the present invention has been described with a certain degree of particularity, obvious modifications and variations are possible in light of the above teachings. It is therefore to be understood that within the scope of the appended claims, the invention may be practiced otherwise than as specifically described.

1. (Amended) A soft capsule encapsulating a medicinal liquid comprising a dietary fiber in an amount of 5 to 90% by weight based on a whole composition of [a] the medicinal liquid [of said soft capsule];

wherein said medicinal liquid is in the form of a suspended stock solution which is homogenized.

17. (Amended) A soft capsule as defined in claim 9, further comprising a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 80% by weight based on the whole composition of said medicinal liquid.

18. (Amended) A soft capsule as defined in claim 14, further comprising a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 70% by weight based on the whole composition of said medicinal liquid;

said fat and oil material or oil-soluble material being contained in an amount of 1 to 50% by weight based on the whole composition of said medicinal liquid.

19. (Amended) A soft capsule encapsulating a medicinal liquid consisting essentially of: a dietary fiber in an amount of 5 to 90% by weight based on a whole composition of [a] the medicinal liquid [of said soft capsule]; and

a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 80% by weight based on the whole composition of said medicinal liquid;

wherein said medicinal liquid is in the form of a suspended stock solution which is homogenized.

20. (Amended) A soft capsule encapsulating a medicinal liquid consisting essentially of: a dietary fiber in an amount of 5 to 60% by weight based on a whole composition of [a] the medicinal liquid [of said soft capsule];

a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 70% by weight based on the whole composition of said medicinal liquid; and

either a fat and oil material or an oil-soluble material in an amount of 1 to 50% by weight based on the whole composition of said medicinal liquid;

wherein said medicinal liquid is in the form of a suspended stock solution which is homogenized.